

### AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions and listings of claims in the application:

**1. (currently amended)** A method for handling messaging errors in a wireless network resulting from an attempted receipt of a message by a wireless telephone comprising the steps of:

receiving a message notification from a first messaging switch, the message notification being associated with a message at a second messaging switch;

initially attempting to retrieve the message from the second messaging switch;

if receiving an error message including an error code corresponding to describing an error condition is received from the second messaging switch;~~then~~

classifying the error condition as temporal or permanent on the basis of the received error code; ~~and if the error condition is temporal, then~~

automatically performing a plurality of retry attempts to retrieve the message when the error condition is classified as temporal, each retry attempt being performed after a corresponding waiting period has passed since the previous attempt to retrieve the message; and

abandoning the message when the error condition is classified as permanent.

**2. (original)** The method of claim 1, wherein each waiting period is longer than the preceding waiting period.

**3. (original)** The method of claim 2, wherein each retry attempt comprises the steps of:

determining whether the wireless telephone is currently in use; and

attempting to retrieve the message when the wireless telephone is not in use.

**4. (original)** The method of claim 3, further comprising the steps of:

determining whether a second message has been successfully sent to or received from the wireless telephone;

upon determination that a second message has been sent or received from the wireless telephone, attempting a retry for the message without waiting the corresponding waiting period.

**5. (original)** The method of claim 1, wherein the first messaging switch is associated with text messages, and the second messaging switch is associated with multimedia messages.

**6. (original)** The method of claim 5, wherein the first messaging switch includes an SMSC and the second messaging switch includes an MMSC.

**7. (original)** The method of claim 1, wherein the wireless telephone is provided with a maximum number of retry attempts and further comprising the step of:

modifying the maximum number of retry attempts.

**8. (original)** The method of claim 7, further comprising the step of:

modifying the length of one or more of the corresponding waiting periods.

**9. (currently amended)** A method for handling wireless messaging errors resulting from an attempted receipt of a message by a wireless telephone comprising the steps of:

receiving a message notification from a first messaging switch, the message notification being associated with a message at a second messaging switch;

initially attempting to retrieve the message from the second messaging switch;

if receiving an error message including an error code corresponding to  
describing an error condition is received from the second messaging switch;~~then~~

classifying the error condition as temporal or permanent on the basis of the

~~received error code; and if the error condition is temporal then:~~

abandoning the message when the error condition is classified as permanent;

automatically performing a first retry attempt to retrieve the message when the error condition is classified as temporal, the first retry attempt being performed after a first waiting period has elapsed after the classifying step;

automatically performing a second retry attempt to retrieve the message after the first retry attempt, the second retry attempt being performed after a second waiting period has elapsed after the first retry attempt; and

automatically performing a third retry attempt to retrieve the message after the second retry attempt, the third retry attempt being performed after a third waiting period has elapsed after the second retry attempt.

**10. (original)** The method of claim 9, wherein the third waiting period is longer than the second waiting period, and the second waiting period is longer than the first waiting period.

11. **(original)** The method of claim 10, wherein the third waiting period is 10 minutes, the second waiting period is three minutes, and the first waiting period is 30 seconds.

**12. (original)** The method of claim 9, wherein the first, second and third retry attempts each comprise the steps of:

determining whether the wireless telephone is currently in use; and  
attempting to retrieve the message when the wireless telephone is not in use.

**13. (original)** The method of claim 12, further comprising the steps of:

determining whether a second message has been successfully sent to or received from the wireless telephone;

upon determination that the second message has been sent or received from the wireless telephone, attempting a retry for the message without waiting the corresponding waiting period.

**14. (original)** The method of claim 9, wherein the first messaging switch is associated with text messages, and the second messaging switch is associated with multimedia messages.

**15. (original)** The method of claim 14, wherein the first messaging switch includes an SMSC and the second messaging switch includes an MMSC.

**16. (original)** The method of claim 9, further comprising the step of:  
modifying the length of the first, second, and third waiting periods.

**17. (previously presented)** The method of claim 1, further comprising the steps of:  
counting a current number of retry attempts; and  
when the current number of retry attempts exceeds a predetermined number,  
terminating the performance of retry attempts, and  
providing a message retrieval failure notification.

**18. (previously presented)** The method of claim 7, wherein the maximum number of retry attempts is modified according to a change in a monitored characteristic of the wireless network.

**19. (previously presented)** The method of claim 18, wherein the monitored characteristic is selected from the group consisting of load, capacity, availability and success rate of message transmission.

**20. (previously presented)** The method of claim 7, wherein the maximum number of retry attempts is modified according to a physical location of the wireless telephone.

**21. (previously presented)** The method of claim 8, wherein the length of one or more of the corresponding waiting periods is modified according to a change in a monitored characteristic of the wireless network.

**22. (previously presented)** The method of claim 21, wherein the monitored characteristic is selected from the group consisting of load, capacity, availability and success rate of message transmission.

**23. (previously presented)** The method of claim 8, wherein the length of one or more of the corresponding waiting periods is modified according to a physical location of the wireless telephone.

**24. (new)** The method of claim 1, further comprising the step of:  
displaying the error condition when the error condition is classified as permanent.

**25. (new)** The method of claim 9, further comprising the step of:  
displaying the error condition when the error condition is classified as permanent.